

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

MICOR INDUSTRIES, INC.,

: Case No.

:

Plaintiff,

:

Judge

vs.

:

:

NOTICE OF REMOVAL

**MAZAK CORPORATION, a New
York corporation,**

:

:

:

Defendant.

:

Defendant Mazak Corporation, a New York corporation, hereby removes this civil action from the Circuit Court of Morgan County, Alabama (Case No. 52-CV-2017-900315:00) to the United States District Court for the Northern District of Alabama, Northeastern Division, pursuant to 28 U.S.C. §§1441 and 1446. In support of this Notice of Removal, Defendant states the following:

1. This is a civil action filed in the Circuit Court of Morgan County, Alabama, on July 18, 2017.

2. Defendant first became aware of the pendency of this case when it was served with Plaintiff's Complaint on July 21, 2017. Thus, this Notice of Removal is being filed within thirty (30) days after receipt by

Defendant of notice of the filing of this action as required by 28 U.S.C. §1446(b).

3. True and accurate copies of Plaintiff's Complaint, as well as the July 18, 2017 Summons - Civil, which papers constitute all process, pleadings and orders served upon Defendant in this action, are attached.

4. This action is one of a civil nature over which the District Courts of the United States have original jurisdiction under 28 U.S.C. §1332(a) in that this action is brought by Plaintiff, an Alabama corporation having its principal place of business in Alabama, against this Defendant, a New York corporation having its principal place of business in Kentucky. The amount in controversy, exclusive of interest and cost, exceeds the sum of \$75,000, in that the cost of the equipment that this the subject of the two contracts at issue exceed \$300,000 and \$700,000 respectively.

5. A copy of this Notice of Removal will be filed with the Clerk of the Circuit Court of Morgan County, Alabama.

Dated: August 18, 2017

Respectfully submitted,

Of Counsel:

Thomas A. Prewitt
Stacy A. Cole
GRAYDON HEAD & RITCHEY LLP
2400 Chamber Center Drive
Suite 300
Ft. Mitchell, KY 41017
Phone: 859/578-2426

/s/T. Kelly May

T. Kelly May (asb-6090-y57t)
H. Cannon Lawley (asb-3905-l75h)
Huie, Fernambucq & Stewart, LLP
Three Protective Center
2801 Highway 280 S
Suite 200
Birmingham, AL 35223

Fax: 859/525-0214
E-mail: tprewitt@graydon.com
scole@graydon.com

Phone: 205/297-8836
Fax: 205/251-1256
E-mail: KMay@huelaw.com
cannon@huelaw.com

CERTIFICATE OF SERVICE

I hereby certify that I have this 18th day of August, 2017, electronically filed the foregoing with the Clerk of Court using the CM/ECF system and served via email and by placing a copy of same in the United States Mail, postage paid to the following:

Joseph "Jay" H. Aughtman, Esq.
Aughtman Law Firm, LLC
1772 Platt Place
Montgomery, AL 36117

And

Phil D. Mitchell, Esq.
Harris, Caddell & Shanks, P.C.
214 Johnston Street, S.E.
Decatur, AL 35602-2688

Attorneys for Plaintiff,
Micor Industries, Inc.

/s/T. Kelly May
Of Counsel